

Appl. No. 10/082,691
Reply to Office Action of June 24, 2004

Remarks

Introduction

The above-identified application has been carefully reviewed in light of the Office Action mailed June 24, 2004, which included a final rejection of the pending claims, and the Advisory Actions mailed September 3, 2004 and October 22, 2004. Responses to the Office Action were submitted on August 24, 2004, and September 21, 2004. This Amendment is being submitted within FIVE MONTHS of the mailing date of the Final Office Action with the enclosed RCE and a Petition for a Two-Month Extension of Time.

The present amendment is substantially identical to the amendment filed September 21, 2004 except the present amendment includes specific support for the amendments to the claims to address the new matter issues identified in the October 22, 2004 Advisory Action.

Claims 1-9, 12, 17-19, and 22-27 were pending. By way of this response, claims 1 and 22 to 26 have been amended, and claims 9 and 27 have been cancelled without prejudice. Support for the amendments to the claims can be found in the application as originally filed, and no new matter has been added.

For example, support for the amendments to claim 1 can be found at page 28, lines 15-16. Support for the amendments to claim 22 can be found at page 30, line 28. Support for the amendments to claim 23 can be found at page 30, line 29. Support for the amendments to claim 24 can be found at page 38, lines 31-34. Support for the amendments to claim 25 can be

Appl. No. 10/082,691
Reply to Office Action of June 24, 2004

found at page 36, lines 19-23. Support for the amendments to claim 26 can be found at page 30, line 29. Thus, the amendments to the claims do not introduce new matter, as indicated in the October 22, 2004 Advisory Action.

Accordingly, claims 1-8, 12, 17-19, and 22-26 are pending.

Rejections Withdrawn

In view of the Advisory Action, applicant understands that the previous rejections under 35 U.S.C. § 112, first paragraph, and under the judicially created doctrine of obviousness-type double patenting have been withdrawn.

Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 1-9, 12, 17-19, and 22-27 remain rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite.

Applicant respectfully disagrees that these claims are indefinite and traverses the rejections. However, to advance the prosecution of the subject application, claims 1 and 22-26 have been amended, and claim 9 has been cancelled.

Claim 1 and claims 22-26 have been amended to specify the amount in units or units/kilogram of the agent that is administered to the patient.

In view of the above, applicant submits that the claims satisfy the requirements of 35 U.S.C. § 112, second paragraph,

Appl. No. 10/082,691
Reply to Office Action of June 24, 2004

and respectfully requests that the rejection of the present claims based on this statutory provision be withdrawn.

Conclusion

In conclusion, applicant has shown that the present claims satisfy the requirements of 35 U.S.C. § 112. Therefore, applicant submits that the present claims, that is claims 1-8, 12, 17-19, and 22-26 are allowable. Therefore, applicant respectfully requests the Examiner to pass the above-identified application to issuance at an early date. Should any matters remain unresolved, the Examiner is requested to call (collect) applicant's attorney at the telephone number given below.

Respectfully submitted,

Date: 11/10/04


Frank J. Uxa
Attorney for Applicant
Registration No. 25,612
4 Venture, Suite 300
Irvine, California 92618
(949) 450-1750
(949) 450-1764 Facsimile

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- BLACK BORDERS**
- IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- FADED TEXT OR DRAWING**
- BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- SKEWED/SLANTED IMAGES**
- COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- GRAY SCALE DOCUMENTS**
- LINES OR MARKS ON ORIGINAL DOCUMENT**
- REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- OTHER: _____**

IMAGES ARE BEST AVAILABLE COPY. IMAGES ARE
As rescanning these documents will not correct the image problems
problems checked, please do not report these problems to problems checked
the IFW Image Problem Mailbox. the IFW Image